

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO	).	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/658,321		09/10/2003	Chikara Yamamoto	P23803	P23803 1870	
7055	7590	11/15/2005		EXAM	EXAMINER	
		BERNSTEIN, P.L.C	SCHWARTZ, JO	SCHWARTZ, JORDAN MARC		
1950 ROLAND CLARKE PLACE RESTON, VA 20191				ART UNIT	PAPER NUMBER	
122101.,				2873		
				DATE MAILED: 11/15/200	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

			WW/
	Application No.	Applicant(s)	+)-
Advisory Action	10/658,321	YAMAMOTO, CHIKA	<b>ARA</b>
Before the Filing of an Appeal Brief	Examiner	Art Unit	<del></del>
	Jordan M. Schwartz	2873	1
The MAILING DATE of this communication app	pears on the cover sheet with the	correspondence add	ress
THE REPLY FILED <u>04 November 2005</u> FAILS TO PLACE TH			
<ol> <li>The reply was filed after a final rejection, but prior to or of this application, applicant must timely file one of the folloplaces the application in condition for allowance; (2) a Na Request for Continued Examination (RCE) in compliant time periods:</li> <li>The period for reply expires 3 months from the mailing dates</li> </ol>	on the same day as filing a Notice of owing replies: (1) an amendment, af lotice of Appeal (with appeal fee) in nce with 37 CFR 1.114. The reply m	Appeal. To avoid abar fidavit, or other eviden compliance with 37 CF	ice, which FR 41.31; or (3)
b) The period for reply expires <u>5</u> months from the mailing date of this		in the final rejection, whi	ichever is later In
no event, however, will the statutory period for reply expire	e later than SIX MONTHS from the mailin	ig date of the final rejection	on.
Examiner Note: If box 1 is checked, check either box (a) o TWO MONTHS OF THE FINAL REJECTION. See MPEP	706.07(f).		
Extensions of time may be obtained under 37 CFR 1.136(a). The dathave been filed is the date for purposes of determining the period of cunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office lat may reduce any earned patent term adjustment. See 37 CFR 1.704(NOTICE OF APPEAL	extension and the corresponding amount e shortened statutory period for reply orig ter than three months after the mailing da	of the fee. The appropria	ate extension fee ce action; or (2) as
<ol> <li>The Notice of Appeal was filed on A brief in confiling the Notice of Appeal (37 CFR 41.37(a)), or any extantial and the Notice of Appeal has been filed, any reply must be filed AMENDMENTS</li> </ol>	tension thereof (37 CFR 41.37(e)), to	o avoid dismissal of the	s of the date of e appeal. Since
3. ☑ The proposed amendment(s) filed after a final rejection (a) ☑ They raise new issues that would require further of	n, but prior to the date of filing a brief consideration and/or search (see NO	, will <u>not</u> be entered be TE below);	ecause
<ul> <li>(b) ☐ They raise the issue of new matter (see NOTE be</li> <li>(c) ☐ They are not deemed to place the application in b appeal; and/or</li> </ul>	•	educing or simplifying t	the issues for
(d) They present additional claims without canceling	a corresponding number of finally re	jected claims.	
NOTE: See Continuation Sheet. (See 37 CFR 1		,	
4. The amendments are not in compliance with 37 CFR 1.	.121. See attached Notice of Non-Co	ompliant Amendment (	PTOL-324).
5. Applicant's reply has overcome the following rejection(			
6. Newly proposed or amended claim(s) would be non-allowable claim(s).	allowable if submitted in a separate,	timely filed amendme	nt canceling the
7.  For purposes of appeal, the proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected in proposed amendment(s): a how the new or amendment(s): a following proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment(s): a how the new or amended claims would be rejected is proposed amendment would be rejected in the new or amended claims would be rejected in the new or amended claims.	ı) ⊠ will not be entered, or b) □ wi ovided below or appended.	ill be entered and an e	xplanation of
Claim(s) withdrawn from consideration: <u>AFFIDAVIT OR OTHER EVIDENCE</u>			
<ol> <li>The affidavit or other evidence filed after a final action, because applicant failed to provide a showing of good a was not earlier presented. See 37 CFR 1.116(e).</li> </ol>	out before or on the date of filing a Nand sufficient reasons why the affidate	otice of Appeal will <u>no</u> vit or other evidence is	t be entered necessary and
9.  The affidavit or other evidence filed after the date of filin entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessary.	overcome <u>all</u> rejections under appe ary and was not earlier presented. S	eal and/or appellant fail See 37 CFR 41.33(d)(1	ls to provide a ).
10. The affidavit or other evidence is entered. An explanating REQUEST FOR RECONSIDERATION/OTHER			
11. The request for reconsideration has been considered be	out does NOT place the application i	n condition for allowan	ice because:
12. Note the attached Information Disclosure Statement(s)	. (PTO/SB/08 or PTO-1449) Paper N	۷o(s)	

U.S. Patent and Trademark Office PTOL-303 (Rev. 7-05)

13. Other: \_\_\_\_.

Advisory Action Before the Filing of an Appeau SCHWARTZ Part of Paper No. 20051114
PRIMARY EXAMINER

Continuation of 3. NOTE: Specifically, the proposed change to claim 18 of adding the limitation "by at least approximately one diopter" presents a new issue that would require further consideration and/or a further search.